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09/703,231	10/31/2000	Leon A. Pintsov	F-224	2617

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EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/703,231
Filing Date: October 31, 2000
Appellant(s): PINTSOV, LEON A.

MAILED

JUL 14 2004

GROUP 3600

Charles R Malandra, Jr
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 April 2004

Art Unit: 3621

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that claims 24-32 stand or fall together is agreed with.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

Art Unit: 3621

(9) Prior Art of Record

Kara, Publication WO 99/21330 (29 April 1999), of PCT/U98/21946, filed 17 October 1998.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 24-27, 29-32 are rejected under 35 U.S.C. 102(a) as being anticipated by Kara, PCT Publication WO 99/21330.

As per claim 24.

Kara discloses

A method for acknowledging the delivery of a mail piece within a mailing system (Abstract; Summary of the Invention; Fig 1, associated text), the method comprising the steps of:

capturing an electronic image of the mail piece (P27, L7-17);

capturing an image of a recipient's signature when a mail piece is delivered to the recipient (P17, L21-23; P36, L13-16);

capturing a response message composed by the recipient when the mail piece is delivered (P27, L19-21; P37, L19-20); and

Art Unit: 3621

combining the captured electronic image of the mail piece, the captured image of the recipient's signature and the captured response message to form an electronic message response acknowledging receipt of the mail piece (P37, L7-21).

As per claim 25.

Kara discloses all the limitations of claim 24.

Kara further discloses (see above citations):

*determining an electronic address of an originator of the mail piece; and
sending the electronic message response to the originator of the mail piece.*

As per claim 26.

Kara discloses all the limitations of claim 24.

Kara further discloses (Fig 1-3, associated text; P12, L1-17):

*.. the electronic address of the originator is an e-mail address obtained by
scanning the mail piece.*

As per claim 27.

Kara discloses all the limitations of claim 24.

Kara further discloses (Fig 3, associated text; P12, L1-17; P17, L21-23; P36, L13-16):

...capturing the image of the recipient's signature and capturing the response message are performed with an electronic data collection device.

As per claim 29.

Kara discloses all the limitations of claim 26.

Kara further discloses (all above citations; Fig 3, associated text):

determining the electronic address of the originator of the mail piece and sending the electronic message response to the originator of the mail piece are performed with the electronic data collection device.

Art Unit: 3621

As per **claim 30**.

Kara discloses all the limitations of claim 26.

Kara further discloses (Fig 3, associated text):

digitally signing the electronic message response; and archiving the signed electronic message response (P9, L12-21; P10, L5-8).

As per **claim 31**.

Kara discloses all the limitations of claim 24.

Kara further discloses (Fig 4-5, associated text):

capturing the response message is optional.

As per **claim 32**.

Kara discloses all the limitations of claim 24.

Kara further discloses (Fig 4-5, associated text):

determining that an originator of the mail piece has requested delivery confirmation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kara**, PCT Publication WO 99/21330.

Kara discloses all the limitations of claim 24.

Kara does not specifically disclose:

Art Unit: 3621

scanning a printed form containing the recipient's signature and response message to obtain an electronic image of the image of the recipient's signature and the response message.

However Kara teaches that all well-known methods for (1) delivering a message to the intended recipient will be used and (2) evidence of such receipt will be captured, including the recipient's signature, again using well-known methods (P17, L21-23; P27, L19-21; P36, L13-16; P37; L19-20). It is well known in the art that special delivery services typically utilize forms on which the recipient signs, to acknowledge receipt of a message or mailpiece. Therefore it would have been obvious for one ordinarily skilled in the art to have included the use of forms for recipient signatures and have those signatures scanned later for inclusion in the return receipt to the sender. Such a form would simplify the signature capture process and make the system more versatile, thus able to accommodate items such as packages and other, non-document type deliveries.

(11) Response to Argument

A. As per claims 24-27, 29-32.

Appellant's argues that Kara does not disclose or suggest combining a captured electronic image of the mail piece, a captured image of the recipient's signature at the time of delivery, and a captured response message to form an electronic response message acknowledging receipt of the mail piece.

Examiner disagrees with this reading of the reference. In fact, Kara discloses and teaches all the limitations claimed above::

1. Sender can request proof of delivery receipt. Fig 4, step 4004; P6, L11: "registered delivery or a return receipt signed by a recipient may be requested"; P7, L7-10: "If proof of delivery is desired, ... delivery of the document may be handled accordingly".

Art Unit: 3621

2. Documents can be delivered electronically or physically. Abstract: "delivery container", "inducting the reproduced document into its delivery paradigm for physical delivery.."; Summary of the Invention: "the postal authority may physically deliver the document commensurate with its standard delivery techniques" (P6, L5-8).

3. Document delivery evidence is archived. P9, L12-21: "...retain records with respect to ... delivery of the transmitted document."... "database ..further supplemented by information ..with respect to actual delivery of the document at the recipient location." "...retain a copy of the transmitted document ..not only to provide proof of ... delivery of the document ...but to prove the contents of the document itself."

4. Recipient signature is scanned, used in delivery proof. P17, L21-27: "...include a bitmap or graphics image of a handwritten signature or digital signature associated with a recipient such as for inclusion in a receipt of delivery." Also P36, L11-16.

5. Document contents can also be included in proof of delivery. P27, L7-17: "...confirmation may be a code ..containing ..information from which the complete document may be later reproduced". P27, L23 – P28, L2: "...where ..confirmation of actual delivery of the document to the receiving location is requested this confirmation may be returned to the sending party electronically as described above..".

6. Proof of delivery can include a message from recipient. P37, L19-20: "This receipt may include an acknowledgement of delivery by the recipient."

7. Kara may be modified as required by users/operator needs. P37, L23-26.

Conclusion: Kara inherently has the capability to provide all the services as described above, either individually or in combination, and therefore anticipates the claimed invention.

Art Unit: 3621

B. As per claim 28.

Appellant does not provide any basis for invalidation of the rejection of claim 28 other than reiterating the argument that claim 24 was erroneously rejected using Kara. That argument has been responded to above, and Examiner maintains that Kara discloses all the limitations of claim 24, and further teaches that all well-known methods for (1) delivering a message to the intended recipient will be used and (2) evidence of such receipt will be captured, including the recipient's signature, again using well-known methods (P17, L21-23; P27, L19-21; P36, L13-16; P37; L19-20). It is well known in the art that special delivery services typically utilize forms on which the recipient signs, to acknowledge receipt of a message or mailpiece. Therefore it would have been obvious for one ordinarily skilled in the art to have included the use of forms for recipient signatures and have those signatures scanned later for inclusion in the return receipt to the sender. Such a form would simplify the signature capture process and make the system more versatile, thus able to accommodate items such as packages and other, non-document type deliveries.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3621

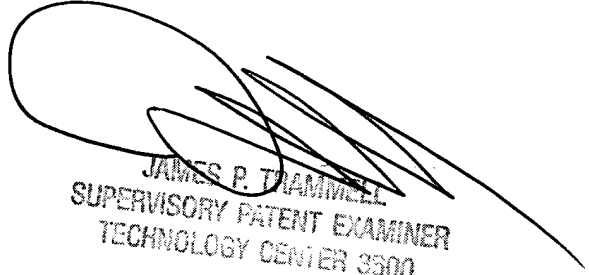
Respectfully submitted,

David Q. Le
July 2, 2004

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